

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, AUGUST 4, 1999  
7:00 P.M.**

1. ROLL CALL

Present: Council Members – Hitchcock, Mann, Nakanishi, Pennino and Land (Mayor)

Absent: Council Members – None

Also Present: City Manager Flynn, Deputy City Manager Keeter, Public Works Director Prima, Community Development Director Bartlam, Finance Director McAthie, Police Chief Hansen, Fire Chief Kenley, City Attorney Hays and City Clerk Reimche

2. INVOCATION

The invocation was given by Pastor Ken Levy, Heartland Community Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Girl Scouts Tierra del Oro Council Color Guard Unit.

4. AWARDS / PROCLAMATIONS / PRESENTATIONS

a) Tim Mattheis with the Arts Commission updated the City Council on the many activities and accomplishments of the Lodi Arts Commission. Mr. Mattheis announced that a new Arts Coordinator has been hired, who will begin work on August 18, 1999.

b) Dennis Bennett, Chairman of the Hutchins Street Square Foundation, updated the City Council on the progress and growth of the Hutchins Street Square Performing Arts and Conference Center and gave the following report.

The Hutchins Street Square Foundation is continuing its effort to generate charitable funding to repay the \$10 million loan for the renovation and construction of the Performing Arts and Conference Center.

The following contributions were made by the Hutchins Street Square Foundation to the City of Lodi:

Performing Arts Theater Chairs	\$205,000
Cash Payments:	
October, 1997	25,000
March, 1998	125,000
August, 1998	50,000
January, 1999	75,000
May, 1999	25,000
Port Cochere	120,000
Banners and Hangers	10,000
Class Brass Discs	4,500
Baby Grand Piano	30,000
Concert Grand Piano	50,000
Lobby Benches	30,000
Kirst Hall Shutters	35,000
Caretaker's Apartment	40,000

These contributions amount to a total of \$824,500. In addition to the recognition of these contributions of cash and services, and on behalf of the Hutchins Street Square Foundation, Mr. Bennett presented the City Council with a check in the amount of \$250,000. These funds represent a generous contribution on behalf of former Lodian Sheila Wishek and her family.

The grand total of contributions made by the Hutchins Street Square Foundation since October, 1997, now stands at \$1,074,500. It was requested that this donation be matched by the City, as offered in Resolution No. 98-30, and recorded to reduce the Foundation's debt by \$2,149,000 effective today.

Mr. Bennett expressed the Foundation's appreciation for the Council's willingness to back the community with the funding mechanism of the Certificates of Participation and recognize the benefits that the completion of Hutchins Street Square continues to bring to this community.

Further, Mr. Bennett announced that the Foundation has officially changed its name from the Old Lodi Union High School Site Foundation to the Hutchins Street Square Foundation.

- c) Fire Chief Kenley presented the 1999 Firefighter of the Year award to Lodi Firefighter Rodney Cordero.
- d) The City Council, on motion of Mayor Land, Pennino second, unanimously made the following appointments/reappointments to the Greater Lodi Area Youth Commission:

**Greater Lodi Area Youth Commission**

*Adult appointments:*

Richard Dean	Term to expire August 30, 2002
Jeff Fleak	Term to expire August 30, 2002

*Student appointments:*

Robert Hoffman	Term to expire August 30, 2001
Jeffrey Jauregui	Term to expire August 30, 2001
Matthew Johnston	Term to expire August 30, 2001
Sweta Patel	Term to expire August 30, 2001

Following this action, Mayor Land introduced and congratulated the newly-appointed members.

- e) Community Improvement Manager Wood announced the recipients of the August Community Improvement Award as Jack and Kate Holler and family, who were unable to attend the meeting. Mr. Wood thanked the Holler family for their efforts in cleaning up the property on the southeast corner of Ham and Kettleman Lanes (Little Joe's restaurant).

5. **COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

Due to the large audience attendance and the anticipated length of the Council meeting, the City Council, on motion of Mayor Pro Tempore Mann, Nakanishi second, unanimously voted to add an additional *Comments By The Public On Non-Agenda Items* segment to the beginning of the meeting.

- a) Shellie Keen, 811 Wimbledon Drive, Lodi, commented of the lack of signage of the speed limit in the area.
- b) Brandy Fuller, 805 Wimbledon Drive, Lodi, suggested that *Children At Play* signs be placed in the subject area. Ms. Fuller also stated that there is a sight distance problem, pointing out that the existing wall hinders drivers' ability to see children in the area.

Ms. Fuller presented a petition signed by approximately 85 people regarding concerns for the safety of children in the Wimbledon Drive area.

- c) Edward Johnson, 1215 Wimbledon Drive, Lodi, stated that cars driving south on Ham Lane turn right into oncoming traffic on Wimbledon Drive. He commented that the way the turn lane is set and the angle of the road is very dangerous. Mr. Johnson feels that this needs to be looked into and corrected.
- d) Katina Brown, 115 Mulberry Drive, Lodi, asked that a stop sign be installed on Wimbledon Drive and that a crosswalk be placed in the area.
- e) Mark Hall, 915 Wimbledon Drive, Lodi, spoke about the excessive speed of vehicles traversing the area. Mr. Hall also expressed the need for a crosswalk, but he does not feel speed bumps are fair.
- f) Janet Crawford, 1107 Wimbledon Drive, Lodi, spoke about the ongoing speeding problem in the area.
- g) Teresa Kautz, Wimbledon Drive resident, also addressed the City Council regarding the matter and asked that the City implement measures to mitigate the safety problems outlined.

Council Member Pennino suggested working with Tokay High School staff toward educating students to be more responsible and safe drivers as they traverse the area.

The City Manager was directed by the Council to review the suggestions that were brought before the City Council and to bring back recommendations to the Council as soon as possible. It was further directed that residents of the area be notified when this matter will appear before the City Council.

Further, the City Council asked that a program of heavy traffic enforcement be initiated in the area.

- h) Mr. Jeff Zarifis, 1108 Waterford Way, Lodi, addressed the City Council regarding the Katakian Park project asking that it monitor the progress of this park. Mr. Zarifis stated that he would very much like to see the City be able to meet the projected November 1999 start date.

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6. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Mann second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

- a) Claims were approved in the amount of \$3,400,094.37.
- b) The minutes of July 21, 1999 (Regular Meeting), as amended, and July 22, 1999 (Joint Meeting with the Lodi Memorial Hospital Board) were approved as written.
- c) Accepted the quarterly report of the City of Lodi pooled money investment account as required by SB564. **(Due to a conflict of interest, Mayor Land abstained from discussion and voting on this matter.)**
- d) Approved the specifications for eleven Class 1 wood utility poles in the following quantities and sizes and authorized advertisement for bids:

5 ea.	65-foot
1 ea.	70-foot
1 ea.	75-foot
2 ea.	80-foot
1 ea.	85-foot
1 ea.	90-foot

**(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter.)**

- e) Approved the specifications for Type II Polymer Modified Slurry Seal for Various City Streets, 1999, and authorized advertisement for bids.
- f) Approved the specifications for asphalt material for fiscal year 1999/2000 and authorized advertisement for bids.
- g) Adopted Resolution No. 99-109 authorizing the purchase of three notebook computers, for use by the Streets Division supervisors, from Dell Computer Corporation, in the amount of \$9,503.55.
- h) Took the following actions with regard to the Caltrans Landscape Maintenance Agreement and right-of-way decertification request for 225 North Guild Avenue.
  - Authorized the City Manager and City Clerk to execute an agreement with Caltrans and the property owner for the maintenance of landscape and parking areas within the Victor Road (Highway 12) right-of-way at 225 North Guild Avenue (1362 Victor Road); and
  - Authorized staff to submit a request to Caltrans for decertification of excess right-of-way in Victor Road along the north boundary of 225 North Guild Avenue.
- i) Adopted Resolution No. 99-110 approving the agreement between the City of Lodi and Tokay Radio Control Modelers for use of Pixley Park site.
- j) Adopted Resolution No. 99-111 approving the class specification and the following salary range for Street Cleanup Worker I/II:  
Street Cleanup Worker I

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$1,998.93	\$2,098.88	\$2,203.84	\$2,314.01	\$2,429.72

  
Street Cleanup Worker II

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>
\$2,236.98	\$2,348.77	\$2,466.25	\$2,589.59	\$2,719.03
- k) Set Public Hearing for August 18, 1999 to consider adopting the Uniform Codes as approved by the State of California.

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7. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt a General Plan Amendment and Rezone for 1245 Woodhaven Lane (Wine & Roses Country Inn).

**(Due to a conflict of interest regarding this matter, Mayor Land abstained from discussion and voting on this matter and vacated the Council table.)**

Community Development Director Bartlam reported that Wine & Roses Country Inn is proposing to expand their operations on the properties located at 2505 West Turner Road (two parcels, APN 015-230-34 and 35). Among the improvements planned are 40 new hotel rooms, or the equivalent of 16,000 square feet, the construction of new offices and retail uses, a new banquet room/restaurant with seating for 250 persons, and a new café and wine tasting room with wine sales. Some of the other relatively minor improvements include remodeling the historic Towne home (the Inn), constructing a new swimming pool, spa, and therapy facility. Part and parcel to this expansion is the need for additional

parking (approximately 230 spaces) generated by the additional facilities. In order to provide the land area necessary to meet this need, the applicant has applied to the Planning Department for a lot line adjustment to move their north lot line 200 feet farther north, increasing the size of the Inn property by approximately 1.5 acres, for a total property size of roughly 6.5 acres.

Since the new proposed parking lot is tied to, and cannot be separated from the project as a whole, the general plan and zoning changes are necessary so that the new piece can be developed for commercial purposes in conjunction with the existing Wine & Roses property. A General Plan Amendment and Rezoning is necessary to change the existing General Plan designation and the Zoning for property being added to Wine & Roses Inn. The requested action is approval of the following recommended changes: 1) a General Plan Amendment from RMD (Residential Medium Density) to NCC (Neighborhood Community Commercial); and 2) a rezoning from Planned Development (PD) to Neighborhood Commercial (C-1).

At a public hearing held on June 23, 1999, the Lodi Planning Commission recommended to the City Council approval of the General Plan Amendment and Zone change for the expansion of Wine & Roses Country Inn. The proposed expansion of on-site alcohol sales, i.e. the café and wine tasting room, also received Use Permit approval as a part of the Planning Commission's action. Further, staff pointed out that prior to any development, Site Plan and Architectural Review Committee (SPARC) approval will be required for the design of the new buildings and other features included in the expansion plans.

#### Hearing Opened to the Public

1. Mike Klaren, 1144 Inverness Drive, Lodi, indicated that he is in favor of the proposed expansion and believes the plan is well thought out. He is, however, concerned that parking lot noise will impact neighborhood residences. He stated that he would strongly recommend an 8' masonry fence to help buffer the noise. Also he expressed concern about the commercial zoning on the property directly north of Wine and Roses Country Inn.

Community Development Director Bartlam stated that SPARC would address the masonry wall and noise issue.

2. Jeff Zarifis, 1108 Waterford Way, Lodi, stated that he is 100% behind the project even though he expressed some concern regarding the anticipated noise problem.
3. Del Smith, owner of Wine and Roses Country Inn, stated that what has happened in the City of Lodi during the last 15 years has given them the need to justify this type of project, and it is his belief that this is a great proposal.

#### Public Portion of Hearing Closed

#### **ACTION:**

Following additional discussion with questions being directed to staff, the City Council took the following actions regarding this matter:

- On motion of Mayor Pro Tempore Mann, Pennino second, adopted Resolution No. 99-112 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Redesignating A Portion Of 1245 Woodhaven Lane From MDR, Medium Density Residential, To NCC, Neighborhood Community Commercial" by the following vote:

Ayes:	Council Members – Hitchcock, Mann, Nakanishi and Pennino
Noes:	Council Members – None
Absent:	Council Members – None
Abstain:	Council Members – Land (Mayor)

- On motion of Council Member Hitchcock, Pennino second, introduced Ordinance No. 1676 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning A Portion Of 1245 Woodhaven Lane (APN 015-230-32) From Planned Development (PD) To Neighborhood Commercial, C-1" by the following vote:

Ayes: Council Members – Hitchcock, Mann, Nakanishi and Pennino  
Noes: Council Members – None  
Absent: Council Members – None  
Abstain: Council Members – Land (Mayor)

**(Following this action, Mayor Land returned to the Council table.)**

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Land called for the Public Hearing to consider the Planning Commission's recommendation that the City Council adopt a General Plan Amendment and Rezone for 1549 and 1611 West Kettleman Lane (Sasaki property).

Community Development Director Bartlam informed the City Council that this is a request for a Rezone and General Plan Amendment on two properties located at 1549 and 1611 West Kettleman Lane. The two properties total approximately 23 acres. The southern 500 feet of the two properties is currently zoned RCP, Residential Commercial Professional, and the remainder of the property northward to the Woodbridge Irrigation District (WID) canal is zoned R-2, Residential Single-Family. The properties make up the Sasaki Property Subdivision, which includes a 99-lot, medium-density, small lot, single-family subdivision on the southern 13.2 acres adjacent to Kettleman Lane, and a 55-lot, low-density, single-family subdivision with 5 corner duplex lots on the northern 9.5 acres. The properties are generally north of Kettleman Lane, south and west of the canal, and east of 1723 West Kettleman Lane.

In December of 1998, the City Council approved the recommendation of the Planning Commission to establish the development plan for the Sasaki Property. The medium-density, small lot, single-family subdivision is plotted at 7.5 units per acre with an average lot size of around 3,000 square-feet. The 7.5 unit per acre density is only slightly higher than the low-density maximum of 7.0 units per acre, but below the maximum allowed in the RCP zone. The medium-density subdivision is designed to front on private streets, and includes a small private community building, park and swimming pool.

The low-density, single-family residential portion of the development plan will develop within the requirements of its R-2, Single-Family Residential zoning. The area will be developed at 6.3 units per acre with an average lot size of around 5,250 square-feet. Each of its five corner lots will develop as duplexes. The streets in this area are proposed to incorporate the City's recommended parkway standard, which incorporates 4-foot sidewalks behind 6-feet of parkway all within a 52-foot right-of-way. The medium and low-density subdivisions have been designed to develop separately from one another, neither being dependent upon the other.

The existing zoning for the medium-density project area is both RCP, Residential Commercial Professional, and R-2, Single-Family Residential. The RCP zoning is inconsistent with the medium-density project's design, as well as the R-2 zoning for both design and density. The 55 low-density lots are entirely within the project area zoned R-2, which is the proper zoning. As part of the development plan and subsequent tentative subdivision map approval for the medium density portion of the project, a condition was made to change the zoning to PD, and to perform a General Plan Amendment to adjust the existing O, Office boundary to encompass the northernmost portion of the medium-density project area. The O, Office designation is consistent with the medium-density project, which is why the boundary is being adjusted and the designation is not being changed.

The PD zoning is necessary because the homes within the medium-density portion of the development plan are proposed to develop with unconventional design standards. For example, the properties are zero lot line with a bend in the middle. This "Z"-lot design allows for the fronts of the homes to be placed at an angle relative to the street to visually break up a row of garages fronting the street. The properties will also have front yard setbacks of 12-feet and 16-feet opposed to the standard 20-feet. Finally, the properties will front on private streets with designated parking areas clustered on each street and at the community center, park and pool.

The homes are plotted so that each has a single 10-foot side yard, and so that the driveways of homes are paired on a single property line to increase the distance between driveways and increase area for on-street parking. Pairing and staggering of the driveways is intended to allow sufficient room for emergency vehicle access.

Given the current development trend emphasizing the construction of single-family homes, staff sees the medium-density portion of this subdivision and the duplexes as a benefit to the City. These elements of the subdivision will not only provide the City with a small measure of more affordable housing, but will also keep the City in pace with the General Plan and Growth Management Ordinance requiring 10 percent medium-density housing. The City's previous approval of the Sasaki Property Development Plan has prompted the applicant to follow through with the requests at hand.

#### Hearing Opened to the Public

1. Nichole Serrano, 927 South Mills Avenue, Lodi, asked questions of staff regarding connecting streets ultimately joining with Kettleman Lane and how traffic from the new subdivision will impact Mills Avenue.
2. Neil Huffman, 1115 South Mills Avenue, Lodi, questioned what school the children in the area will be attending.

#### Public Portion of Hearing Closed

#### **ACTION:**

The City Council took the following actions regarding the matter:

- On motion of Mayor Pro Tempore Mann, Hitchcock second, unanimously adopted Resolution No. 99-113 entitled, "A Resolution Of The Lodi City Council Amending The Land Use Element Of The Lodi General Plan By Changing An Existing Low Density Residential 'LDR' Land Use Boundary To Office 'O' Designation At 1549 And 1611 West Kettleman Lane"; and
- On motion of Mayor Pro Tempore Mann, Hitchcock second, unanimously introduced Ordinance No. 1677 entitled, "An Ordinance Of The Lodi City Council Amending The Official District Map Of The City Of Lodi And Thereby Rezoning 1549 And 1611 West Kettleman Lane, From RCP, Residential Commercial Professional, And R-2, Residential Single-Family To PD(33), Planned Development".

#### 8. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City's Risk Manager and/or the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Council Member Hitchcock, Nakanishi second, unanimously rejected the following claim:

1. Lora Robinson, date of loss 5/31/99

- b) The following report was presented to the City Council:
  - 1. Planning Commission report of July 14, 1999

9. REGULAR CALENDAR

- a) Agenda item #H-1 entitled, "Mills Avenue report – intersection control study at Royal Crest Drive and truck travel restriction between Tienda Drive and Turner Road".

Public Works Director Prima reported that following the June 16, 1999 opening of the portion of Mills Avenue between the WID canal and Kettleman Lane, this report was prepared to address concerns expressed by residents and City Council at its regular meeting on July 7, 1999. The report includes a review of the intersection of Mills Avenue and Royal Crest Drive for a multi-way stop control, and the restriction of truck traffic between Tienda Drive and Turner Road. We are also in the process of preparing plans and specifications for bicycle lanes on Mills Avenue from the WID canal to Turner Road. As speeds may be affected by the bike lanes, and to allow drivers time to get accustomed to the newly-opened roadway segment, the speed limit will be reviewed again in approximately six months. A recommendation on speed limit changes will be made at that time, if needed.

**Mills Avenue at Royal Crest – Intersection Control**

Concerns have been expressed that it is difficult for drivers stopped on Royal Crest Drive to see vehicles approaching northbound on Mills Avenue due to the rise at the bridge over the WID canal and the relatively low elevation of the road south of the bridge. This has prompted requests for stop signs on Mills Avenue at Royal Crest Drive. However, before considering a control as restrictive as a multi-way stop, alternate, less restrictive remedies should be considered. These remedies would include the removal of visibility obstructions or other changes to put the driver stopped on Royal Crest Drive in a better position to see approaching vehicles on Mills Avenue.

Our first step was to determine if a visibility problem existed based on Stopping and Corner Sight Distance analyses in accordance with the Highway Design Manual. Stopping sight distance is defined as the distance required by the driver of a vehicle, traveling at a given speed, to bring a vehicle to a stop when an object in the road becomes visible. This analysis applies to the ability of Mills Avenue drivers to see Royal Crest Drive vehicles entering the roadway. Corner sight distance is the clear line of sight that should exist between the driver of a vehicle waiting at a crossroad and an approaching vehicle. This analysis applies to the ability of drivers on Royal Crest Drive to see vehicles approaching on Mills Avenue. For both of the analyses, the eye of the driver is assumed to be at 3.5 feet above the roadway, with the height of the vehicles assumed to be 4.25 feet. As an example, the eye height of a driver in a Mazda Miata (a small sports car) is at about 3.5 feet and the height of the vehicle is 4 feet. Although the Manual specifies 4.25 feet, for the purpose of this study, and to use the worst case condition, the height of the car was reduced to 4 feet. The analysis indicates that adequate sight distance is available; however, it could be improved by restricting parking along the north 43 feet on the east side of Mills Avenue, south of Royal Crest Drive. An alternative is the installation of "bowouts".

Another concern expressed was the number of students who cross at the intersection of Mills Avenue and Royal Crest Drive. Staff counted them in the morning and afternoon and found that only nine students crossed Royal Crest, and three crossed Mills Avenue. These numbers are very low and are not expected to significantly increase as homes are constructed south of the WID canal. The southern boundary of the Vinewood School extends south to Harney Lane; apparently the majority of students are being driven to school. Even if the number of students crossing Mills Avenue increases, there are several other controlled crossings available along the school route.



**Tienda Drive to Turner Road – Truck Travel Restriction**

Currently, truck travel is prohibited on four street segments within the City. Truck travel on all of these streets was restricted because the street section (thickness) was not sufficient to carry the extra weight of trucks. Another type of restriction that exists on Turner Road was designed to keep trucks from using Turner Road to travel through Lodi to get from Highway 99 to Interstate 5, and doesn't apply to Mills Avenue. This past June, when the traffic counts were performed, the counting units also obtained information on the types of vehicles traveling on Mills Avenue. As indicated in the report to the City Council at its July 7<sup>th</sup> meeting, there were only a few three-axle trucks, nothing larger. Since 1985, when we first began tracking complaints, and prior to the recent opening of the new portion of Mills Avenue, we had received only two requests to prohibit truck travel, both from the same resident of Mills Avenue north of Lodi Avenue.

The design of the roadway section is determined by what is called the Traffic Index (TI), which accounts for truck traffic. Based on the low amount of truck traffic, a restriction does not appear to be necessary.

**DISCUSSION/RECOMMENDATIONS**

**Mills Avenue at Royal Crest Drive – Intersection Control**

Staff does not recommend the installation of multi-way stops at this intersection due to the excessively poor traffic volume split. Royal Crest Drive carries such a low volume in comparison to Mills Avenue that as many as 4,000 (95%) of the approximate 4,200 vehicles that travel through this intersection each day would be stopping at the intersection without seeing opposing cross traffic on Royal Crest Drive.

The Sight Distance analysis indicates there is sufficient visibility for drivers on Royal Crest Drive if parking is eliminated along the north 43 feet of the corner parcel on the east side of Mills Avenue. Even though installing bowouts at Royal Crest Drive was considered as an option, it is too costly (up to \$30,000 to install a permanent bowout and add a storm drain line, manhole and catch basin) and may not be reasonable considering the number of visibility concerns that have been and will be addressed in the future. Based on these factors, staff favors the installation of no parking. If Council concurs, a resolution should be adopted.

**Tienda Drive to Turner Road – Truck Travel Restriction**

To date, truck travel restrictions have been reserved for streets that cannot handle the weight or heavy trucks. We have also received concerns from a resident adjacent to Ham Lane that Mills Avenue should be allowed to relieve some of the truck traffic from Ham Lane. There is no reason to believe that truck traffic will affect the pavement condition any differently than on other similarly constructed streets; however, there are portions south of Lodi Avenue that are cracking due to age. Although the street thickness is sufficient, the truck traffic will accelerate the existing damage to the roadway and will likely cause it to fail prematurely. There is also a set of reverse horizontal curves that may be of some concern for larger trucks on the portion just south of Lodi Avenue. Based on these factors, there appear to be two options. One would be to make Mills Avenue a priority and improve these segments now. The other option would be to restrict truck travel until the roadway is improved in 2003. Performing the improvements would obviously be the more costly of the two options.

If Council chooses to prohibit trucks over two axles on Mills Avenue, staff would recommend they not be restricted on the portion north of Elm Street due to concerns from General Mills, the good roadway condition, and the straightness of this segment. On Mills Avenue south of Elm Street to Kettleman Lane, are in good condition. However, restricting trucks on only cracked segments of this roadway would be confusing to drivers; if a truck travel restriction is considered, it should extend uninterrupted from Elm Street to

Tienda Drive. This action would require that City Council adopt a resolution amending Section 8A of the Traffic Resolution 97-148. The two-axle truck restriction will not affect the use of the roadway by garbage trucks, school buses, transit buses, or any truck performing pick ups or deliveries on this portion of roadway. Council should also advise staff if the restriction should be reevaluated by Council in 2003, when the street improvements are completed.

Speaking on the matter were the following persons:

1. Bob Burnett, 500 South Mills Avenue, Lodi, pointed out that speed limits in the area are 25, 30 and 35 miles per hour (mph) within a very short distance, and he feels with the two schools in the area this is an accident waiting to happen. Mr. Burnett stated that a lot of promises were made to the residents of the area that have not been kept.
2. Neil Huffman, 1115 South Mills Avenue, Lodi, thanked the Council Members for stopping by on National Night Out and discussing this matter with the neighborhood. Mr. Huffman presented a petition signed by approximately 170 people stating, "We, the undersigned being residents and taxpayers of the City of Lodi, California, do hereby petition the Council of the City of Lodi to place a stop sign on South Mills Avenue and Royal Crest Drive".
3. Eric Schneider, 1132 Mills Avenue, Lodi, stated that he is upset about the suggestion to eliminate parking in the area. The proposed bowouts were appealing to him, and he is in favor of a multi-way stop sign at Royal Crest Drive and Mills Avenue. Mr. Schneider also stated that the angle of the bridge is a problem.
4. Stephanie Schneider, 1132 Mills Avenue, Lodi, thanked the Council in advance of its action for approving the installation of a multi-way stop and not restricting parking.
5. Mike Schneider, father of Eric Schneider and resident of Clements, talked about the strange street alignment in this area. He feels it is hazardous and signage regarding the alignment should be posted as one approaches the area. Mr. Schneider also talked about the dip in the road and the sight distant problems in the area. He further indicated that he was in favor of a multi-way stop sign.
6. Nichole Serrano, 927 South Mills Avenue, Lodi, talked about the ever-increasing traffic flows in the area, and suggested that the City Council get something in place now to eliminate problems and keep speeds down.
7. D. Smith, 835 South Mills Avenue, Lodi, stated that she was confused about the proposed bike lanes and questioned if it would change speed limits. She highly recommended that the speed limit in the area be 25 mph.

Following a lengthy discussion, the City Council, on motion of Mayor Land, Nakanishi second, took the following actions regarding Mills Avenue:

- Adopted Resolution No. 99-115 entitled, "A Resolution Of The Lodi City Council Approving The Restriction Of Commercial Vehicles Over Two Axles On Mills Avenue From Tienda Drive To Elm Street, And Thereby Amending Traffic Resolution No. 97-148"; and
- Adopted Resolution No. 99-116 entitled, "A Resolution Of The Lodi City Council Approving Multi-Way Stop Controls At The Intersection Of Mills Avenue And Royal Crest Drive, Thereby Amending Traffic Resolution No. 97-148".

The motion carried by the following vote:

Ayes: Council Members – Mann, Nakanishi, Pennino and Land (Mayor)

Noes: Council Members – Hitchcock

Absent: Council Members – None

Further, the City Council directed that a speed study be completed on Mills Avenue from Vine Street to Turner Road.

10. RECESS

Mayor Land called for a five-minute recess, and the City Council meeting reconvened at approximately 9:35 p.m.

11. REGULAR CALENDAR (Continued)

- a) Agenda item #H-2 entitled, "Resolution authorizing execution and delivery of an Interest Rate Swap Agreement and directing certain actions relating thereto".

**(Due to a conflict of interest, Council Member Pennino abstained from discussion and voting on this matter and vacated his seat at the Council table.)**

Electric Utility Director Vallow reported that Resolution No. 99-107, which was adopted at the City Council meeting of July 21, 1999, approved the financing and refinancing of improvements to the City's electric system through Electric System Revenue Certificates of Participation, 1999 Series A Current Interest Certificates and Electric System Revenue Certificates of Participation, 1999 Series B Capital Appreciation Certificates.

As previously discussed with the Council, it is desirable to convert the fixed rate debt associated with the Certificates to a variable rate in order to better manage the City's exposure to fixed rate debt risk. Execution of the swap agreement for the Certificates would change approximately 23% of the City's total fixed outstanding debt associated with its electrical assets (including those associated with the Northern California Power Agency and the Transmission Agency of Northern California) to variable. There is also an opportunity for a \$4 to \$5 million savings, based on historical data; however, as discussed above, the primary reason to execute the fixed to variable interest rate swap is to manage overall future exposure to fixed rate debt, and hence, future power costs.

Also addressing the City Council regarding this matter and providing additional information was Dan Hartman, with Public Financial Management, Inc., and representatives of Salomon Smith Barney, Inc.

Following a lengthy discussion, the City Council, on motion of Council Member Nakanishi, Land second, adopted Resolution No. 99-114 entitled, "A Resolution Of The City Council Of The City Of Lodi Authorizing Execution And Delivery Of An Interest Rate Swap Agreement And Directing Certain Actions Relating Thereto" by the following vote:

Ayes: Council Members – Mann, Nakanishi and Land (Mayor)  
Noes: Council Members – Hitchcock  
Absent: Council Members – None  
Abstain: Council Members – Pennino

**(Following this action, Council Member Pennino returned to the Council table.)**

- b) Agenda item #H-3 entitled, "Introduction of ordinance prohibiting interference with special events".

City Attorney Hays reported that this ordinance was prepared based upon requests that were received relative to developing a means to prohibit certain forms of interference with special events by spectators and others which are not addressed by current laws. Principal among the substances that are addressed by this ordinance are silly string and hand thrown poppers which basically explode upon contact with a hard surface. Request for such prohibitions have been received from the Shriners as well as from high school band directors.

This ordinance would give authority to police to prevent actions interfering with a special event which endangers participants and spectators or which create additional cleanup costs for the City.

Some recent experiences demonstrate the silly string can adhere to the eyeglasses or clothing of individuals who are in the parade, some of whom are driving vehicles. Additionally, the throwing of the poppers, which explode when they hit a hard surface, are extremely distracting to those participating in band activities. Additionally, the objects are being thrown at the participants and explode upon hitting musical instruments. Lastly, if there are any animals involved in a parade the poppers frighten the animals to such an extent that they may become dangerous to spectators as well as the participants.

Speaking on the matter were the following persons:

1. Kim Molato, Tokay High School Marching Band Director, 2080 Sylvan Way #1008, Lodi, reported on instances where band members, while marching in formation, had been squirted with silly string or had poppers thrown at them. She stated that the silly string stains band uniforms, which are very costly. Further, she stated that the poppers are a hazard and that the kids should not be used as targets. Ms. Molato also talked about vendor carts on the parade route being a problem.
2. Mary Cunningham, who gave her address as living two blocks away from Tokay High School, stated that she believes silly string and shaving cream should be banned.

It was suggested that the City Manager meet with the Lodi Grape and Wine Festival Manager, Mark Armstrong, to determine who has control over vending carts present on the parade route.

The City Council, on motion of Mayor Land, Pennino second, unanimously introduced Ordinance No. 1678 amending Title 9, by adding Chapter 9.14 relating to the prohibition of interference with special events.

12. VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

Pursuant to the Lodi Municipal Code, the City Council, on motion of Mayor Pro Tempore Mann, Hitchcock second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

13. ORDINANCES

None.

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

There was no one wishing to make comments.

15. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Both Council Members Hitchcock and Nakanishi applauded the Lodi Police Department for another successful National Night Out and stated they had a wonderful time. Mrs. Nakanishi had joined her husband for the ride-a-long with Captain Jerry Adams that evening.
- b) Mayor Land announced that he received a letter from a citizen applauding Street Superintendent George Bradley and his staff for their outstanding efforts in cleaning up a sand and gravel spill in the middle of an intersection recently.

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- c) Mayor Pro Tempore Mann recognized Information Systems Manager Helmle on the occasion of his birthday and extended best wishes.

16. CLOSED SESSION

Mayor Land adjourned the City Council meeting at approximately 11:15 p.m. to a Closed Session to discuss the following matters:

- a) Actual litigation: Government Code §54956.9(a). One case. Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 LKK PAN **This matter was not discussed.**
- b) Prospective lease of City property (400± acres adjacent to White Slough Water Pollution Control Facility); the negotiating parties are ProStyle Sports and the City of Lodi; price and terms are under negotiation **This matter was not discussed.**
- c) Conference with labor negotiator, Human Resources Director Joanne Narloch, regarding Lodi Police Officers' Association (LPOA) pursuant to Government Code §54957.6
- d) Actual litigation: Government Code §54956.9(a); one case; Tony Catelli v. City of Lodi, San Joaquin County Superior Court Case No. CV 005223
- e) Actual litigation: Government Code §54956.9(a); one case; Connecticut Indemnity Company et al. v. San Joaquin County Superior Court, Respondent, City of Lodi, Real Party in Interest Third Appellate District Case No. C027794
- f) Actual litigation: Government Code §54956.9(a); one case; Maryland Casualty Company et al. v. San Joaquin County Superior Court, Respondent, City of Lodi, Real Party in Interest Third Appellate District Case No. C027795
- g) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi v. United States Fidelity & Guaranty Company, a Maryland Corporation, San Joaquin County Superior Court, Stockton Branch, Case No. CV 004719

17. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

The City Council meeting reconvened at approximately 12:35 a.m., and the following actions were disclosed:

In regards to Item:

- c) Nothing to report.
- d) The City Council approved settlement authority in this matter.
- e) The City Council authorized the submittal of an appeal to the California Superior Court.
- f) The City Council authorized the submittal of an appeal to the California Superior Court.
- g) The City Council authorized the submittal of an appeal to the Appellate Court, with the Envision Law Group bearing all costs of the appeal (no City expense).

18. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at approximately 12:35 a.m., Thursday, August 5, 1999.

ATTEST:

Alice M. Reimche  
City Clerk